UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/NGO/27
14 August 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 August 1996]

1. The International Federation of Human Rights Leagues and its partner organization the Palestinian Center for Human Rights are concerned about the violations of basic human rights which continue in the occupied Palestinian territories.

2. The Declaration of Principles signed in September 1993, and the subsequent Cairo and Taba Agreements, established a mechanism for the Israeli-Palestinian peace process. These agreements did not specifically address the issue of human rights, however. As a result, human rights violations continue to take place, perpetrated by both the Israeli and

Palestinian authorities. The economic stranglehold Israel possesses over the West Bank and the Gaza Strip, coupled with the restrictions imposed on freedom of movement in and out of the occupied territories, ensure that Israel maintains a superior position over the Palestinian population. In addition, pressures placed on the Palestinian Authority, by Israel and the international community, have resulted in actions by the Palestinian security not conducive to the establishment of a democratic society free from human rights violations.

Civil and political rights

3. Palestinians face obstructions in achieving their full civil and political rights from acts of censorship, arrest campaigns and improper court proceedings.

4. The 1995 Press Law formally implements restrictions on freedom of expression by regulating all aspects of publication. As a result of this, many owners of publications, editors and authors have imposed an informal self-censorship in fear of retribution.

5. Large-scale campaigns in which hundreds of people have been arrested and detained, without respect for basic rights and due process, have occurred. More than 600 suspected supporters of Hamas and the Islamic Jihad were arrested after the 1996 suicide bombings in Israel, mostly without warrants and were detained in excess of the length allowed by law. Many of these individuals remain in detention.

6. The State Security Courts, established in 1995 by the Palestinian Authority, often implement unacceptable court proceedings, such as: trials without notice, without legal counsel, at night and in undisclosed locations.

7. The recently elected Palestinian Legislative Council has faced considerable obstructions in functioning as a legislative body. The Council must obtain permits from the Israeli military authorities before convening each meeting. On 10 June 1996, the Palestinian Legislative Council meeting was cancelled because Israeli soldiers refused to allow the members from Gaza to exit from the Gaza Strip without being subjected to personal and baggage searches.

8. Approximately 3,500 Palestinian prisoners remain in Israeli prisons in direct violation of the Fourth Geneva Convention, which forbids an occupying power - Israel - to move prisoners into its territory and requires it to hand over prisoners with the onset of peace. Many of these detainees were convicted for political offences by Israeli military courts and are being subjected to severe treatment and conditions.

9. The number of Israeli troops stationed in the occupied territories has not decreased since the transfer of responsibility for law enforcement to the Palestinian Authority. Troops are stationed at the borders, around settlements and at major crossroads. Israeli undercover operations, extrajudicial killings and torture of Palestinians in the occupied territories continue and are well documented.

Social, economic and cultural rights

10. Israel maintains an economic stranglehold over the occupied territories. In particular, the closure imposed on 25 February 1996, under the pretext of security, places inhumane constraints over the entire Palestinian society and is a collective punishment of the Palestinian people. These measures instituted by Israel are in direct conflict with internationally accepted standards of human rights and serve only the interest of Israel.

11. Safe passages between the Gaza Strip and the West Bank have not been established, although this is a requirement stated in the Declaration of Principles. This division of the occupied territories inhibits freedom of movement and has grave effects on the economic, social and cultural life of Palestinians.

12. The Israeli-controlled permit system severely restricts the movement of Palestinians requiring medical treatment not available in Gaza, students wishing to study in the West Bank, worshippers bound for the shrines of Jerusalem, Bethlehem and Hebron, and those simply wishing to visit friends and family.

13. Israel has cut the number of Palestinian workers allowed to enter Israel from the Gaza Strip by almost 90 per cent since 1987; the unemployment rate of people from Gaza is estimated to be higher than 60 per cent. By Israel retaining control over all imports and exports of goods, the Palestinian gross national product has decreased between 10 and 20 per cent each year, with inflation rates ranging from 10 to 12 per cent.

14. The human rights situation in the occupied Palestinian territories remains a serious threat to the establishment of a democratic government. Although the Declaration of Principles and the ensuing agreements set out the essential framework for achieving a resolution between Palestinians and Israelis, they lack a guarantee of civil, political, social, economic and cultural rights. Currently, Palestinians live under restrictions and regulations imposed by both the Palestinian and Israeli authorities, contributing to the frustration and disillusionment of Palestinians and, ultimately, the erosion of the peace process.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1996/NGO/28
14 August 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[13 August 1996]

1. The International Federation of Human Rights Leagues (FIDH) and its partner organization Human Rights in China would like to address aspects of the human rights situation in China which have recently given rise to serious concern. On the positive side, China's rapid economic growth have led to improved living conditions and we welcome the recent revisions of the Criminal Procedure Law. However, there has been a serious deterioration in the treatment of Chinese dissidents since 1994, and especially since 1995. Dissidents are rarely able to obtain any protection under the law and lack guarantees for their basic human rights and safety.

2. The Chinese authorities are repressing those who openly criticize the Government, those who express dissenting ideas or political opinions, even those who merely offer suggestions or requests. Although article 41 of the Chinese Constitution allows "Chinese citizens to make suggestions to the National People's Congress", democracy advocates Chen Longde and Wang Donghai were apprehended in May 1996 after they and others issued a petition to the National People's Congress. They called merely for a reassessment of the 4 June Democracy Movement and the release of prisoners of conscience. They have not been formally arrested nor tried and are held under "shelter and investigation", an administrative form of detention supposedly directed against "vagrants who commit crimes away from their places of residence". As freedom of expression and association - the fundamental guarantees for other rights - continues to be severely restricted, China in 1996 remains a place where serious human rights abuses, particularly arbitrary detention and torture, can strike anyone at any time.

3. The right to a fair trial is systematically denied. FIDH and Human Rights in China have studied the materials related to Wei Jingsheng's recent trial, including all the legal documents from the procuracy and the court. The trial was opened to selected observers only. Although Wei's actions consisted in the peaceful exercise of the right to freedom of opinion and expression and did not constitute a crime under Chinese law, he was charged with "conspiring to subvert the Government". Wei's lawyers only had a few days to prepare his defence and the court rejected their calls for additional witness testimony. Wei was given a sentence of 14 years' imprisonment and 3 years' deprivation of political rights. In sensitive political cases such as this, the Chinese judicial authorities follow the procedure "verdict first, trial last". Prior to his current detention, Nobel Peace Prize nominee Wei Jingsheng served 14½ of his 15 years' prison sentence. He "disappeared" in April 1994 and was held incommunicado for 20 months before being formally arrested in November 1995. Apprehended in May 1995 for signing a petition and charged several months later with "leaking State secrets", Li Hai was tried recently, but the outcome of the procedure is kept secret.

4. Resort by the authorities to illegal coercive measures against dissidents, including arbitrary detention, is systematic. FIDH and Human Rights in China are particularly concerned about the pattern of recurrent detention in China today. These detentions usually take place in "sensitive periods", such as prior to the anniversary of 4 June. Victims of such abuses have been held for lengths of time ranging from a few hours to several months under various forms of administrative detention, without due process of law. Chen Longde and Wang Donghai are among those who were held in detention for one month following Wei Jingsheng's trial, after they called for the release of the prominent dissident in a petition. Since May 1995, Wang Dan has been held incommunicado in a secret location, although the authorities claim that he is being held under "residential surveillance". Wang Dan has had no access to either legal or medical assistance. Since his release in 1993 from a four-year sentence, Wang Dan has been in and out of detention, sent on "forced vacation" outside Beijing or taken in for frequent interrogations.

5. Detainees are deprived of their right to file lawsuits against abuses and to lodge appeals. When the judicial authorities agree to hear a case, they are most likely to dismiss it or impose a summary judgement.

In 1982, Wang Xizhe was sentenced to a 14-year term on charges of "counter-revolutionary propaganda and incitement". He was released on parole in 1993 to serve the remaining two years of his sentence at home under police surveillance with deprivation of political rights. The term was to expire in April 1995 but that same month Wang Xizhe was informed by the Guangzhou procuratorate that his parole had been extended for four and a half years. Nothing was disclosed about the procedures followed by the authorities. Wang Xizhe appealed his "counter-revolutionary" sentence and the extension of his parole over 40 times, but the authorities only accepted his petition on 4 August 1995. The court sent Wang Xizhe a signed receipt acknowledging that his appeal had been received. His appeal was rejected, although no trial or hearing was held. A judge who would not give his name said that the court believed the 14-year sentence was "fair", that it was based on clear evidence and had followed proper legal procedures.

6. The right of detainees to physical integrity is routinely violated. In cases of serious medical problems, proper treatment is denied and so is access to medical files by the prisoners and their families, as in the case of Bao Tong, the political reformer who was detained after the 4 June massacre. Released on medical parole in May 1994, Chen Ziming was reimprisoned one year later for signing a petition. He is severely ill with testicular cancer and also suffers from a heart condition, hepatitis B and high blood pressure. Since he arrived at the Shuanghe labour camp, Liu Nianchun has been repeatedly beaten up by fellow inmates while guards were watching. In October 1995, Hu Jian died in a mental hospital where he had been transferred from his Shanxi prison. Hu Jian had been on hunger-strike for two years and survived through forced feeding. He suffered severe health problems due to harsh prison conditions, repeated beatings by guards and fellow inmates and extended periods in shackles.

7. FIDH and Human Rights in China deplore the extensive use by the Chinese authorities of reeducation-through-labour, a form of administrative detention judged "inherently arbitrary" by the Working Group on Arbitrary Detention. After he had disappeared for one year since May 1995, labour activist Liu Nianchun was sent to the north-eastern Heilongjiang province in June 1996 to serve a three-years' reeducation-through-labour sentence. Also in Heilongjiang, lawyer and labour rights activist Zhou Guoqiang had one year added to his initial three-year term for an alleged escape attempt in 1995. Neither of them have been tried.

8. The employment and economic affairs of dissidents are often subject to police interference. Chu Hailan, wife of Liu Nianchu, found employment in May 1995 but was dismissed on her second day because of police harassment. Money sent to dissidents from friends and relatives abroad and even dissidents' own savings have been frozen for long periods or even confiscated by the authorities. In 1995, Chen Ziming's bank account was frozen, limiting his family members' ability to procure proper medication for him.

9. The community of active dissidents in China constitutes a small portion of the total population, yet their treatment is the most obvious manifestation of restrictions on civil and political rights which affect all Chinese citizens. The rights and freedoms for which they struggle are vital to the

protection and realization of the economic and social rights which the Chinese Government claims are its priority. The suppression of dissidents' political and civil rights provides a yardstick for the enjoyment of rights for the Chinese people as a whole. Given this situation, FIDH and Human Rights in China deeply regret that, disregarding its mandate and responsibility, the Commission on Human Rights failed to pass a resolution on the human rights situation in China at its 1996 session. Permanent members of the Security Council have special international responsibility and none of them should be immune to the scrutiny of the United Nations.